

PALM/GOLDENWEST SPECIFIC PLAN

SECTION THREE

ENTIRE SPECIFIC PLAN AREA

9 ADMINISTRATION

The methods and procedures for implementation and administration of the Development Standards, as well as the policies, guidelines and other conditions of this Palm/Goldenwest Specific Plan for both the PLC and Aera properties, are prescribed as follows:

9.1 ENFORCEMENT OF THE SPECIFIC PLAN

The Specific Plan serves both a planning function and regulatory function. It is the vehicle by which the City of Huntington Beach General Plan/Local Coastal Program and the Conceptual Master Plan are implemented for the Palm and Goldenwest property. In addition, the general administration rules in this Chapter are specified to properly relate the Specific Plan to the provisions within the Huntington Beach Zoning and Subdivision Ordinance. If there is a conflict found between this Specific Plan and the City's Zoning and Subdivision Ordinances, the contents of this Specific Plan shall prevail. Where the Specific Plan is silent, the provisions of the HBZSO shall apply.

Should future economic or development conditions make it desirable to amend this Specific Plan, the procedures described in Section 5.2 shall govern such amendments. This Specific Plan may be amended at any time in the same process by which it was originally adopted.

Enforcement of the provisions of the Specific Plan shall be as follows:

- ◆ The Planning Director or Director's designee shall be responsible for interpreting and enforcing the site development standards and design guidelines set forth in the Specific Plan.
- ◆ Any administrative interpretation of the Palm/Goldenwest Specific Plan may be submitted for review by the Planning Commission and shall be subject to appeal to the City Council.

9.2 METHODS AND PROCEDURES

9.2.1 Implementation

The Specific Plan shall be implemented through the processing of site plans in conjunction with Coastal Development Permits, tentative tract maps and tentative parcel maps. The site plans may be prepared concurrently in sufficient detail to determine conformance with the Specific Plan and consistency with the Local Coastal Program, CMP and General Plan.

9.2.2 Coastal Development Permits

All development projects in the Palm/Goldenwest Specific Plan Area require a Coastal Development Permit pursuant to the provisions of the Huntington Beach Zoning and Subdivision Ordinance.

9.2.3 Tentative Tract Maps

Tentative Tract or Parcel Map(s) shall be in compliance to the provisions and procedures in the Huntington Beach Zoning and Subdivision Ordinance. In addition to any other City permits, Tentative Tract Maps also require a coastal development permit.

9.2.4 Zoning Text Amendments

A Zoning Text Amendment shall be required for changes to the Development Standards in the Specific Plan.

Zoning Text Amendments shall be processed in accordance with the Huntington Beach Zoning and Subdivision Ordinance. Zoning Text Amendments shall be processed as amendments to the City's Local Coastal Program. Changes to the Zoning text shall not take effect until certified by the Coastal Commission through the LCP amendment process.

9.2.5 Dwelling Unit Transfer Procedure

Dwelling units may be transferred from one Planning Area to another, provided that the Planning Director determines that:

- The average density for the Planning Area to which the units are transferred does not exceed the Maximum Units for that Planning Area shown on Table 2.2-A; and
- The transfer does not increase the maximum number of dwelling units permitted in the Palm/Goldenwest Specific Plan.

9.2.6 Planning Area Boundary Adjustment

The interior Planning Area boundaries may be adjusted up to ten (10) percent of the approved acreage on Exhibit 2.2-1 during the Tentative Map process due to final engineering adjustments.

9.2.7 Allocation And Transfer Of ADTs

ALLOCATION OF ADTS

At the time of the adoption of this document, the PLC property has an overall intensity total of 5,230 Average Daily Trips (ADT's) assigned to the property. Because the PLC property is limited to 315 residential units, pursuant to this specific plan, there will be unused trip capacity (ADT's). This unused trip capacity may be reallocated to the Aera property at the City's discretion.

At the time of the adoption of this document, the Aera property has an overall intensity of 21,909 ADTs assigned to the property. This trip assignment is equivalent to a maximum of 614,570 square feet of commercial or other comparable uses as determined by a traffic analysis approved by the City.

The four acre site across Seapoint shall be designated as open space and therefore should not be considered within the 21,909 ADT's allocated for the Aera property.

TRANSFERS OF ADTS

The transfer of Average Daily Trips (ADTs) from the PLC property to the Aera property may be permitted. Any transfer will be reviewed and approved concurrent with the tentative map/conditional use/coastal development permit process for the Aera property.

The Planning Director, Planning Commission and/or City Council may determine not to allocate ADTs to those uses or areas that do not generate vehicular trips, such as greenbelts, esplanades or other similar uses or areas, subject to approval through the tentative map and/or conditional use permit process.

9.2.8 Hearings

All Public Hearings held relative to this Specific Plan shall be administered per the applicable provisions of the Huntington Beach Zoning and Subdivision Ordinance.

9.2.9 Appeals

Any decision, determination or requirements may be appealed in accordance with applicable provisions of the Huntington Beach Zoning and Subdivision Ordinance.

9.3 MAINTENANCE MECHANISMS

For development projects which include privately-owned streets, parking, recreation, open space, landscaped areas, community walls and fences, or community buildings or facilities, the developer shall submit a legal instrument or instruments setting forth a plan or manner of permanent care and maintenance of such areas and facilities. No such instrument shall be acceptable until approved by the City Attorney as to legal form and effect, and by the Planning Director as to suitability for the proposed use of said areas and facilities. If the common areas are to be conveyed to a master homeowners' association or sub-association, the developer shall file a Declaration of Covenants to be submitted with the application for approval that will govern the association.

These covenants shall include:

- The homeowner's association shall be established prior to the sale of the first dwelling unit within each Planning Area.
- Membership shall be mandatory for each buyer and each successive buyer.
- Any open space restrictions shall be permanent.
- Provisions to prohibit parking upon other than approved and developed parking areas shall be written into the covenants, conditions and restrictions for each project.
- If the development is constructed in increments of phases which require one or more final maps, reciprocal covenants, conditions or restrictions, reciprocal management and maintenance agreements shall be established which will cause a merging of increments as they are completed, and embody one homeowners' association with common areas for the total development.
- Notification to all future residents of existing adjacent oil operations, potential loss of view upon development of the Aera property, and the future commercial development on the Aera property.

